

## REMARKS/ARGUMENTS

Claims 1-33 are pending in this application. Claims 9 and 25-27 were allowed. Claims 1-8, 10-24, and 28-33 were rejected. Claims 1, 9, 10, 15, 21, 22 and 28 have been amended. Claim 10 has been cancelled.

Claims 1, 9, 15 and 28 have been amended to recite a fluid volume with a molar concentration of hydroxyl ions between about  $10^{-7}$  mole per liter and about  $10^{-3}$  mole per liter. Claims 21 and 22 have been amended to correct a typographical error.

In Item 4 of the Office Action, the Examiner rejected claims 1-3, 8, 10-12, 15, 18, 20-22, 29, 31 and 32 under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2005/0161644 to Zhang et al. (hereinafter "Zhang"). This rejection is improper for the following reasons.

The independent claims have been amended to recite a fluid volume with a molar concentration of hydroxyl ions between about  $10^{-7}$  mole per liter and  $10^{-3}$  mole per liter (i.e., fluids with a pH approximately greater than 7 and approximately less than 11). As disclosed in the application, a fluid volume in this pH range buffers the acidic corrosion associated with liberation of acids from the photoresist layer. However, the pH is not so high as to be caustic and damage the components of the lithography system. See e.g., paragraph [0006] of the application.

Zhang does not address the need to offset the corrosive effect of acids liberated from the photoresist layer. Hence, many of the immersion fluids described by Zhang (see e.g., paragraph [0006]) have hydroxyl ion molarities outside of the range of the instant claims. These immersion fluids would fail to prevent the corrosion of components of the photolithography system. In fact, many of these immersion fluids would create or exacerbate the problem the instant claimed inventions solve.

In order to arrive at a suitable immersion fluid, a skilled artisan reading Zhang would have to engage in undue experimentation; therefore, Zhang is non-enabling. As recited in MPEP 2121.01:

"In determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure'... ." In re Hoeksema, 399 F.2d 269, 158 USPQ 596 (CCPA 1968). The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation. Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003)

For the foregoing reasons, Applicant respectfully requests that Examiner withdraw this rejection.

In Items 6 through 9 of the Office Action, the Examiner rejected claims 4, 5, 13, 14, 16, 17, 23, 24, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Zhang; rejected claims 6 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of U.S. Patent Application Publication No. 2005/0133688 to Li et al.; and rejected claims 7 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of U.S. Patent Application Publication No. 2003/0215616 to Pierrat. These rejections are improper because, as detailed above, Zhang would not have enabled a skilled artisan to arrive at a solution to the problem of acidic corrosion associated with liberation of acids from the photoresist layer absent undue experimentation. Applicant respectfully requests that Examiner withdraw these rejections.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

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